

From: jim@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 9:52pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to express my concerns over the Proposed Final Judgement (PFJ) in the Microsoft Anti-Trust case. The PFJ fails to address many technical issues and marketplace realities, leaving Microsoft free to continue its malfeasance, different in method only, if at all. The PFJ fails to protect the interests of the public.

Of all the many issues I have with the PFJ, I object most strongly to the failure to provide a method of enforcement, which means the courts become by default the method of enforcement. This is unsatisfactory as it permits Microsoft to employ anti-competitive practices (and the vague terms of the PFJ allow for many such opportunities) until such time as the matter may be resolved in court. If the delay caused by litigation forces a would-be competitor out of business (rather likely in the rapidly evolving world of commercial software) Microsoft wins, regardless of the court verdict.

In short, any settlement must provide for a quick method to address violations of that settlement. The Technical Committee is a good start, but they must be given power to sanction.

Sincerely yours,

Jim Gamble
Warrenton, VA
j.gamble@erols.com

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